



Ashland

WISCONSIN

CITY ADMINISTRATOR

601 Main Street West
Ashland, WI 54806
Phone: 715-682-7904

July 22, 2008

Thomas C. Marks, Chief
Remedial Enforcement Services Section
US-EPA Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

RE: Request for additional extension of time for response to CERCLA 104(e) request.

Thank you for your patience in allowing the previous extensions of time to submit our response. I appreciate Mr. Craig Melodia's direction and understanding through this process. As I explained to Mr. Melodia, the City of Ashland has limited financial resources to address this request and is preparing the response to the 104(e) request with limited in-house resources, myself being the principal. I have been working on and am very close to finalizing the response, but this summer continues to be extremely busy with major highway construction, development requests, ore dock, coal dock, railroad and unrelated Superfund demands, coupled with a flurry of mid-management staff issues/resignations has conspired to destroy my best intention to meet the deadline of your July 1, 2008 letter, and my commitment to Mr. Melodia. In addition, I admit that I drastically underestimated the time necessary to review the document files, reports and correspondence to provide reasonable responses to the request.

I respectfully request a final extension to August 15, 2008 to complete and submit the City's response to the Sec. 104(e) request. Please confirm if this is acceptable to you or contact me if you have any questions or concerns about this request.

Brian D. Knapp
City Administrator
715-682-7904
BKnapp@coawi.org

CC: Mayor Ed Monroe



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

July 1, 2008

REPLY TO THE ATTENTION OF:

Ashland NSP Superfund Site
Site ID#: B5N5

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Brian Knapp
City Administrator
601 Main Street West
Ashland, Wisconsin 54806

RE: Ashland NSP Lakefront Superfund Site, Ashland, Wisconsin
Request for Information – Follow-up Letter

Dear Mr. Knapp:

On February 13, 2008, the United States Environmental Protection Agency (U.S. EPA) issued an information request to the City of Ashland (Mr. Brian Knapp, City Administrator), pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended, 42 U.S.C. §9604(e). The information request was served by certified mail on February 15, 2008 and appears to have been received by Kim Westman. This information request required the City of Ashland to provide certain documents and information within sixty (60) days of receipt of the information request. You subsequently spoke with Craig Melodia of the Office of Regional Counsel and requested an additional 60 days to respond. The city's response, therefore, was due 120 days from receipt, June 14, 2008 or the next business day, June 16, 2008. The City of Ashland's response has not been received by the U.S. EPA as of the date of this letter.

The City of Ashland must provide a complete response to the information request immediately. Pursuant to CERCLA 104(e), the City of Ashland is under a continuing obligation to fulfill the requirements of the information request.

You may, if you desire, assert a business confidentiality claim described by 40 CFR §2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures, provided in 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by U.S. EPA, it may be made available to the public by U.S. EPA without further notice to the City of Ashland.

Continued failure to comply with the U.S. EPA's information request by fully, truthfully and timely responding to all items of that request, or adequately justifying such failure to respond, may subject City of Ashland to an enforcement action seeking to compel compliance and collect penalties of up to \$32,500 per day of noncompliance pursuant to Section 104(e) (5) of CERCLA, 42 U.S.C. §9604(e)(5) and as adjusted by 69 Fed. Reg. 7121-27 (Feb. 13, 2004) (codified at 40 C.F.R. 19.4), pursuant to the Debt Collection Improvement Act of 1996. U.S. EPA has the authority to use the information requested here in an administrative, civil, or criminal action. U.S. EPA requires an acceptable response by or before fifteen (15) days of receipt of this letter.

Please contact Mr. Craig Melodia, Associate Regional Counsel, at (312) 353-8870, if you have any legal questions regarding this matter. All other questions should be directed to Ms. Gladys Watts, Remedial Enforcement Services Section at (312) 886-7591.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Thomas C. Marks", with a long, sweeping horizontal line extending to the right.

Thomas C. Marks, Chief
Remedial Enforcement Services Section